Remarks

In the Final Office Action dated March 20, 2006: claims 1-3, 5-6, 8-13 and 18-30 were

rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent Publication No. 2005/0010653

("McCanne et al."); claims 4 and 14-16 were rejected under 35 U.S.C. §103 as being

unpatentable over McCanne et al. in view of U.S. Patent No. 6,160,843 ("McHale et al."); and

claims 7 and 17 were rejected under 35 U.S.C. §103 as being unpatentable over McCanne et al.

in view of U.S. Patent Publication No. 2002/0143951 ("Khan et al.").

Applicant respectfully traverses all rejections and requests reconsideration and

withdrawal thereof for reasons presented in Applicant's Response to July 13, 2006 Office Action

and discussed in a telephone interview with Examiner Patel on May 4, 2006. Applicant thanks

the Examiner for courtesies extended during the telephone interview with Applicant's

representatives Frank DeRosa (Reg. No. 26,543) and Michael Fainberg (Reg. No. 50,441).

During the telephone interview, McCanne et al. and the allowability of claim 1 over

McCanne et al. were discussed. As required in the Interview Summary prepared by the

Examiner and mailed from the Office on May 16, 2006, the substance of the interview is

discussed below.

Claim 1 claims "A method for providing streamed electronic content to a plurality of user

terminals in a client network from at least one remote electronic content source," and includes:

> receiving requests from…user terminals in the client network…;
>
> providing a streamed unicast transmission of the requested content…for receipt by a client-side computer in the client network;
>
> receiving the streamed unicast transmission of the requested content in the client-side computer;
>
> processing the received content in the client-side computer for distribution to the requesting plurality of user terminals in the client network; and

distributing the received and processed streamed content to each of the requesting plurality of user terminals in the client network.

Applicant's representatives pointed out that claim 1 expressly provides that the client-side computer and the user terminals are in the client network, and that the streamed content received and processed by the client-side computer in the client network is distributed to each of the requesting user terminals in the client network.

Applicant's representatives pointed out that McCanne et al. does not disclose a client network that includes a client-side computer that receives streamed content and distributes the streamed content to the user terminals also in the client network. Applicant's representatives further pointed out that McCanne et al. discloses that ISPs stream content to user terminals, but that McCanne et al. does not disclose that the computer streaming the content to the user terminals is a client-side computer in a client network and that such computer distributes the streamed content to user terminals in the client network. McCanne et al. simply is not concerned with distribution of content within a client network.

Instead, the peering arrangements that McCanne et al. describes are between ISPs, and are not in the client network. As pointed out in the previous response, this is clear from paragraphs [0098] –[0100] of McCanne et al. In paragraph [0098] McCanne et al. proposes that "a far more stable business model [to that of the prior art] is the 'content peering' model described herein." In paragraph [0100], McCanne et al. states that "a set of ISPs can more easily than before develop their own content distribution service by peering at the "content level" rather than the network level." McCanne et al. illustrates peering at the network level in Fig. 2, link 29 (see paragraph [0100], lines 6-7), at the network edge by ISPs in Fig. 8. In paragraph [0108], with respect to Fig. 8, McCanne et al. states:

a peer ISP can build its own content distribution network using the present invention to "peer" with the content backbone to incrementally build out the content network. (Paragraph [0108], lines 4-6.)

From this quote, it is clear that the McCanne et al. is concerned with a build-out of a content distribution network to the network edge, and not on the client side. Even more to the point, McCanne et al. goes on to say in paragraph [0109]:

Not only does this ISP's deployment of content distribution technology reduce bandwidth costs and provide better network quality to users, but it creates a new revenue opportunity by allowing that ISP to enter into the content distribution service. That is, the second ISP would create and own its own URL namespace anchored in its own content backbone. Then, its affiliate ISPs configure their content redirectors to capture the new URLs, assuming a business relationship exists to support this level of "content peering". In effect, the content distribution architecture described herein allows any ISP to build their own content backbone and content distribution service offering, then peer with one another--at the content level rather than the IP layer--to effect arbitrarily large and wide-reaching content distribution networks.

Thus, the arrangement proposed by McCanne et al. clearly is directed to ISP peering, and not client-side peering.

It is submitted that claim 1 is not anticipated by McCanne et al. In addition, we reiterate here as in the interview that McCanne et al.'s approach to solving bandwidth problems is from the network side, specifically, at the network edge, and therefore does not suggest the invention claimed in claim 1.

Applicant's representatives discussed the foregoing with the Examiner who stated that he understood the differences argued between claim 1 and McCanne et al. From this, Applicant's representatives believe that the Examiner agrees that claim 1 is not anticipated by McCanne et al. However, the Examiner reserved judgment on the allowability of claim 1 over McCanne et al. until Applicant filed a written response to the March 20, 2006 Office Action.

Based on the foregoing, it is submitted that claim 1 is allowable over McCanne et al.

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As pointed out at the interview, independent claims 12, 20, 23, 27, 29 and 30 refer to a client-side computer in the client network which receives the streamed content, processes it and distributes the processed content to user terminals (which may be in a multicast group – claim 20) in the client network. Therefore, those independent claims also are not anticipated by McCanne et al.

It is submitted that dependent claims 2, 5, 6, 8, 9, 11, 13, 18, 19, 24-26 and 28 are allowable for the reasons discussed above and in the last response. Again, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action because the primary reference does not describe the client-side structure and functionality described in the claims presented herein, which moots the basis for almost all of the comments. This should not be taken as acquiescence of the substance of those comments.
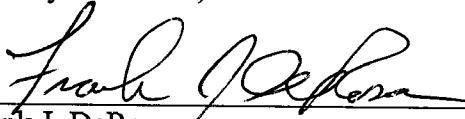
Closing

In view of the above, Applicant submits that all pending claims are allowable and the application is in condition for allowance. Early reconsideration and allowance of the application with claims 1, 2, 4-9, 11-20 and 23-30 are respectfully requested. The Examiner is respectfully invited to contact the Applicant's undersigned representative by telephone on any outstanding issue regarding the application.

Respectfully submitted,

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